



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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DRAFT MINUTES FOR REGULAR SESSION MEETING Held on February 4, 2009 and February 5, 2009 9535 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

William R. Martin III, M.D., Chair
Douglas D. Lee, M.D., Vice Chair
Dona Pardo, Ph.D., R.N., Secretary
Robert P. Goldfarb, M.D., F.A.C.S.
Patricia R. J. Griffen
Andrea E. Ibáñez
Ram R. Krishna, M.D.
Todd A. Lefkowitz, M.D.
Lorraine L. Mackstaller, M.D.
Paul M. Petelin Sr., M.D.
Germaine Proulx
Amy J. Schneider, M.D., F.A.C.O.G.

EXECUTIVE DIRECTOR'S REPORT

Lisa Wynn, Executive Director, expressed her gratitude to the Board's Executive Officers and stated that it has been a privilege to work under their leadership. She congratulated Drs. Lee, Petelin and Schneider, and Ms. Griffen for their election as Board Officers and stated that she looks forward to working with them. She reported that the Agency's holiday party at the Veteran's Home was delightful and thanked the Board members for their support. She stated that in addition to entertainment, Board staff purchased gifts for the residents. Ms. Griffen thanked Board staff for the invitation and stated that the event was phenomenal.

Ms. Wynn provided the Board with a budget update and thanked Amanda J. Diehl, Deputy Executive Director, and Evangeline Webster, Business Office Manager, for their assistance with the budget reductions. Ms. Wynn reported that with the newly passed budget, the Agency will be able to manage and meet the reduction requirement without implementing staff reductions. In addition, Ms. Wynn informed the Board that James Gentile joined the Agency in January and will serve as the head of the Information Technology (IT) Office. Ms. Wynn thanked Lisa McGrane for her outstanding job in assisting the IT Office with the conversion of the database. Ms. Wynn recognized the Board's Staff Investigational Review Committee (SIRC) for its great job in their preliminary review of cases and providing recommendations to the Board, under the direction of Christi Banys, Investigational Review Assistant Manager.

EARLY TERMINATION OF STIPULATED REHABILITATION AGREEMENT DISCUSSION

Ms. Wynn thanked Drs. Michel Sucher and David Greenberg for their tremendous job with the Board's Monitored Aftercare Program (MAP) and stated that her decision to terminate the 17 participants, after reviewing each of their files, was a decision made due to the current fiscal situation. She reported that these participants self-reported to the Board, had successfully completed residential treatment and had remained compliant with the terms of their monitoring Agreement for more than 2½ years. Ms. Wynn assured the Board that no one desires to put the public's safety at risk or to undermine the participants in their recovery. She stated that relapses are normally detected through urine drug screening and that Board staff will contact these individuals for random drug testing. Dr. Martin recognized that Ms. Wynn has worked diligently to meet the required budget reductions without having to eliminate staff positions.

MOTION: Dr. Krishna moved to enter into Executive Session to receive legal advice.

SECONDED: Dr. Petelin

Vote: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 11:06 a.m.

The Board returned to Open Session at 11:23 a.m.

No deliberations or discussions were made during Executive Session.

Dr. Pardo commented that she would not like to see staff reductions, but spoke against early termination of the 17 MAP participants as she is concerned with patient safety and the message it sends to the public and licensees. She stated that monitoring participants for five years has worked well in rehabilitating licensees and stated that the risk is too great to terminate

participants prematurely. Dr. Krishna clarified that not all of the participants were affected; only the participants in which the Board had to bear the financial responsibility of the monitoring were terminated. Dr. Mackstaller stated that these were licensees who have proven to be well into their recovery and stable. Dr. Krishna supported Ms. Wynn's decision for the early termination and pointed out that systems are in place to assist the licensees in their recovery as well as for protecting the public.

CHAIR'S REPORT

Discussion and consideration of Board meeting start times

Dr. Pardo requested that the meeting time be changed to at 9:30 a.m. on Wednesday. Dr. Petelin noted that the Board in the past had elected starting the meeting an hour earlier versus holding a three-day meeting. Dr. Martin recommended that it would be helpful if Board members could keep their questioning during a Formal Interview to 45 minutes. Dr. Goldfarb recommended starting the meeting at 8:00 a.m. on both Wednesday and Thursday.

MOTION: Dr. Goldfarb moved to change the meeting start time to 8:00 a.m. on Wednesday and Thursday.

SECONDED: Ms. Ibáñez

Dr. Petelin was concerned that starting the meeting at 8:00 a.m. could be a problem for the physicians on the Board who cover their own practice and conduct patient rounds before the meeting.

VOTE: 5-yay, 4-nay, 3-abstain, 0-recuse, 0-absent.

MOTION PASSED.

LEGAL ADVISOR'S REPORT

MOTION: Dr. Lee moved to enter into Executive Session to receive legal advice.

SECONDED: Ms. Proulx

Vote: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 11:29 a.m.

The Board returned to Open Session at 11:38 a.m.

No deliberations or discussions were made during Executive Session.

Jennifer Boucek, Assistant Attorney General, reported that the Licensing Enforcement Section (LES) of the Attorney General's Office has worked with Board staff in a joint effort to eliminate the Board's backlog of cases referred to Formal Hearing. She stated that the Attorney General's Office has been diligent in an attempt to dispel the notion that if a licensee requests a Formal Hearing, it would not be scheduled for several years and that they have the opportunity to continue practicing in the interim. Ms. Boucek praised Ms. Diehl's hard work and assistance in helping to resolve the Formal Hearing case backlog. She reported the joint effort has resulted in a significant reduction in cases now pending Formal Hearing. Dr. Martin commended Ms. Boucek and her staff for the profound changes in the legal services they are providing to the Board under her direction.

CONSIDERATION OF INQUIRY REGARDING ARIZONA PRESCRIBING LAWS

MOTION: Dr. Krishna moved to enter into Executive Session to receive legal advice.

SECONDED: Dr. Lee

Vote: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 2:37 p.m.

The Board returned to Open Session at 2:49 p.m.

No deliberations or discussions were made during Executive Session.

Dr. Martin stated that the Board should remain consistent with Federal Law, Policies, and Guidelines, and recommended the Board issue an affirmative statement that doctors can comply with recent DEA prescribing regulations without violating the Arizona Medical Practice Act and then disseminate the statement to its licensees.

MOTION: Dr. Goldfarb moved to conform with 21 C.F.R. 1306.12(b), regarding prescription writing and dating, and for the interpretation of the new Federal laws to be disseminated to licensees, as determined by Board staff.

SECONDED: Dr. Petelin

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

FORMAL HEARING CASE UPDATE

Ms. Wynn reported that with the assistance of Outside Counsel, the Attorney General's Office as well as Kenyada Corley, Legal Coordinator, the Board eliminated its backlog of cases referred to Formal Hearing. Ms. Wynn explained that several of the cases were resolved through consent agreements and informed the Board that cases referred to Formal Hearing are now scheduled

within weeks. Ms. Wynn thanked Ms. Boucek and her staff for their assistance and the Board expressed its appreciation for Outside Counsel's assistance.

ELECTION OF BOARD OFFICERS

Ms. Wynn reported on the results of the 2009 Board Officer elections: Dr. Lee, Chair, Dr. Petelin, Vice Chair, Dr. Schneider, Secretary, and Ms. Griffen, Member-at-Large. Dr. Martin congratulated the elected Board Officers. Board members expressed their appreciation and thanks to Dr. Martin for his outstanding leadership as Chair and for moving the Board into the right direction. Dr. Martin stated that it has been an honor and privilege to serve as Chairman of the Board. He thanked Drs. Lee and Pardo for being supportive during their two years as Board Officers. He commented that Board staff is the greatest staff in any agency in State Government. He expressed his thanks for the support and encouragement of Board members, and commended the Attorney General's office for the legal services provided to the Board.

APPROVAL OF ANNUAL FEES

MOTION: Dr. Martin moved to accept the fee schedule as proposed by Board staff that leaves all fees as currently stated.

SECONDED: Ms. Griffen

Ms. Ibáñez questioned why the fees have not been increased. Ms. Wynn reported that the Agency's current revenue is adequate to meet the Agency's operating expenses.

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

APPROVAL OF MINUTES

MOTION: Dr. Krishna moved to approve the December 3-4, 2008 Regular Session Meeting, including Executive Session.

SECONDED: Ms. Proulx

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

ADVISORY LETTERS

MOTION: Dr. Krishna moved to issue an Advisory Letter in item numbers 2, 4, 6, 8, 11, 13, 14, 18, 19, 20, 23, 24, 25, 28, 30, 32, 34, 35, 36, and 37.

SECONDED: Dr. Petelin

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED/.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-07-0672A	ADAM R. KOELSCH, M.D.	31945	Return for further investigation.

Dr. Petelin expressed concerns with Dr. Koelsch's persistent compulsive nature and opined that his behavior in this case seemed bizarre and inappropriate. He questioned whether Dr. Koelsch should undergo psychiatric testing. Dr. Pardo noted that there were boundary violations in this case. Board members discussed returning the case for further investigation for the physician to undergo psychiatric testing and for the Board's Evaluation Review Committee to review the matter.

MOTION: Dr. Petelin moved to return the case for further investigation.

SECONDED: Dr. Pardo

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-08-0689A	AMANDEEP S. SODHI, M.D.	24427	Issue an Advisory Letter for failure to repeat an imaging study to follow up on lymphadenopathy and for inadequate medical records. This was a one time occurrence that does not rise to the level of discipline.
3.	MD-08-0634B	CRUZ FRANCO, M.D.	14317	Issue an Advisory Letter for failure to diagnose and treat shock due to streptococcal necrotizing fasciitis. This was a one time occurrence that does not rise to the level of discipline.

Dr. Goldfarb questioned whether Dr. Franco should be invited for a Formal Interview. Dr. Krishna spoke in favor of issuing an Advisory Letter. Dr. Petelin stated that this case involved a very uncommon, unfortunate, and tragic outcome resulting from a thyroidectomy.

MOTION: Dr. Goldfarb moved to issue an Advisory Letter for failure to diagnose and treat shock due to streptococcal necrotizing fasciitis. This was a one time occurrence that does not rise to the level of discipline.

SECONDED: Dr. Petelin

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
4.	MD-08-0457A	JOHN J. DUGGAN, M.D.	31494	Issue an Advisory Letter for either failing to plan for an additional

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
				procedure to stabilize the fracture at the time of hardware removal, or for failing to sufficiently monitor the patient with imaging following surgery, and for inadequate medical records. This was a one time technical error that does not rise to the level of discipline.

Dr. Duggan spoke during the call to the public. Dr. Martin stated that he knows Dr. Duggan, but it would not affect his ability to adjudicate the case.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
5.	MD-08-0983A	INAYAT M. ALI-KHAN, M.D.	12985	Offer Dr. Ali-Khan a Consent Agreement for a Letter of Reprimand. If the physician declines, invite for a Formal Interview.

Kathleen Coffey, M.D., Medical Consultant, summarized that this matter stemmed from a chart review pursuant to Dr. Ali-Khan's June 2006 Board Order. The Board noted Dr. Ali-Khan's prior Board history that included significant recordkeeping issues, and expressed concern regarding his repeated offenses.

MOTION: Dr. Lee moved to offer Dr. Ali-Khan a Consent Agreement for a Letter of Reprimand. If the physician declines, invite for a Formal Interview.

SECONDED: Ms. Ibáñez

VOTE: 10-yay, 2-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
6.	MD-08-0287A	KYOUNG J. KIM, M.D.	25901	Issue an Advisory Letter for failure to evaluate a postoperative mass in a timely manner leading to delayed diagnosis and removal of a retained sponge. This was a one time occurrence that does not rise to the level of discipline.
7.	MD-08-0640A	MARK A. MEYERS, M.D.	12450	Issue an Advisory Letter for inadequate medical records. Within six months, obtain 20 hours non-disciplinary CME in medical recordkeeping. The CME shall be in addition to the CME required for biennial renewal of medical license. This matter does not rise to the level of discipline.

Dr. Pardo questioned whether Dr. Meyers would benefit from obtaining CME in medical recordkeeping and noted his prior Board history that included an Advisory Letter for inadequate medical records.

MOTION: Dr. Pardo moved to issue an Advisory Letter for inadequate medical records. Within six months, obtain 20 hours non-disciplinary CME in medical recordkeeping. The CME shall be in addition to the CME required for biennial renewal of medical license. This matter does not rise to the level of discipline.

SECONDED: Dr. Lee

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
8.	MD-08-0252A	MICHAEL D. MASTAKAS, M.D.	13105	Issue an Advisory Letter for failing to properly discharge a patient from the practice by providing written notification regarding termination of the physician-patient relationship. This matter does not rise to the level of discipline.
9.	MD-07-0799A	PAMELA S. HENDERSON, M.D.	22689	Issue an Advisory Letter for allowing a surgical technician to administer IM sedation. This was a one time occurrence that does not rise to the level of discipline.

Mr. Paul Giancola, the physician's legal counsel, spoke during the call to the public. Drs. Krishna and Martin stated that they know Mr. Giancola, but it would not affect their ability to adjudicate the case. William Wolf, M.D., Chief Medical Consultant, summarized that the Medical Consultant found that it is not the standard of care for a surgical technician to administer IM/IV sedation. Dr. Krishna was concerned with the surgical technician administering the sedation when he/she was not trained to do so and is not a licensed healthcare provider.

MOTION: Dr. Krishna moved to issue an Advisory Letter for allowing a surgical technician to administer IM sedation. This was a one time occurrence that does not rise to the level of discipline.

SECONDED: Dr. Mackstaller

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
10.	MD-08-0232A	MARION L. SULLIVAN, M.D.	17124	Invite the physician for a Formal Interview.

Dr. Goldfarb noted that this case involved a patient who presented to the emergency room with left sided chest and arm pain and was seen by Dr. Sullivan's physician assistant (PA). The PA discussed the case with Dr. Sullivan and the patient underwent several diagnostic tests. After being discharged the patient went into ventricular fibrillation and died. Dr. Goldfarb questioned whether the patient should have been admitted to the hospital.

MOTION: Dr. Goldfarb moved to invite the physician for a Formal Interview.

SECONDED: Dr. Mackstaller

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
11.	MD-08-0763A	RALPH E. MAYBERRY, M.D.	16890	Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline.
12.	MD-08-0131A	RONALD B. JOSEPH, M.D.	8699	Invite the physician for a Formal Interview.

Ms. Margaret Dean, the physician's legal counsel, spoke during the call to the public. Dr. Goldfarb was concerned with Dr. Joseph's nonchalance in treating the patient and was concerned with his failure to act urgently with regard to the patient's pseudoaneurysm.

MOTION: Dr. Goldfarb moved to invite the physician for a Formal Interview.

SECONDED: Dr. Krishna

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
13.	MD-08-0066A	SHARON L. SHIN, M.D.	Post Graduate Permit 80997	Issue an Advisory Letter for failure to interpret radiologic examinations in a timely manner. The physician has demonstrated substantial compliance through remediation or rehabilitation that mitigates the need for disciplinary action.

Dr. Shin spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
14.	MD-08-0510A	AARON M. PETERSEN, M.D.	32807	Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline.

Mr. Mike Ryan, the physician's legal counsel, spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
15.	MD-07-0888A	ANDREW M. WOLIN, M.D.	14883	Issue an Advisory Letter for failing to provide appropriate monitoring and supervision of staff that are performing healthcare tasks at the facility where he served as Medical Director. This matter does not rise to the level of discipline.

Mr. Andrew Plattner, the physician's legal counsel, spoke during the call to the public. The Board noted that Dr. Wolin served as Medical Director of the LipoDissolve Center. Gerald Moczynski, M.D., Medical Consultant, summarized that the Medical Consultant found that Dr. Wolin failed to adequately monitor the patient's treatment as the Medical Director of that facility.

MOTION: Dr. Krishna moved to issue an Advisory Letter for failing to provide appropriate monitoring and supervision of staff that are performing healthcare tasks at the facility where he served as Medical Director. This matter does not rise to the level of discipline.

SECONDED: Dr. Schneider

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Board staff was instructed to refer this matter to the Arizona Board of Nursing.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
16.	MD-08-0768A	CAROL L. HIPPENMEYER, M.D.	26801	Issue an Advisory Letter for either failure to recognize the STEMI was in progress or for failure to document STEMI and to treat it properly. This matter does not rise to the level of discipline.

Ms. Margaret Dean, the physician's legal counsel, spoke during the call to the public. The Board noted that the admitting physician also missed the patient's EKG changes and instructed Board staff to refer the physician to the appropriate regulatory board.

MOTION: Dr. Schneider moved to issue an Advisory Letter for either failure to recognize the STEMI was in progress or for failure to document STEMI and to treat it properly. This matter does not rise to the level of discipline.

SECONDED: Dr. Krishna

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
17.	MD-07-0526A	DEREK LANDAN, M.D.	28634	Invite the physician for a Formal Interview.

Dr. Goldfarb noted a lack of indication for the performance of ERCP and sphincterotomy. Dr. Krishna noted patient harm was identified in this case and opined that the procedures were not needed when the procedure was performed.

MOTION: Dr. Krishna moved to invite the physician for a Formal Interview.

SECONDED: Dr. Petelin

VOTE: 11-yay, 0-nay, 1-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
18.	MD-08-0731A	JAIME BALDERRAMA-RODRIGUEZ, M.D.	17010	Issue an Advisory Letter for inadequate follow up of insufficient weight gain in a 2 month-old infant and for inadequate medical records. This matter does not rise to the level of discipline.
19.	MD-08-0068A	JOEL T. FUNK, M.D.	36574	Issue an Advisory Letter for inadequate follow up of a patient with impaired renal function who was taking Metformin, and for inadequate medical records. This was a one time occurrence that does not rise to the level of discipline.

KN spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
20.	MD-08-0788A	MELVIN L. COHEN, M.D.	2988	Issue an Advisory Letter for prescribing controlled substances to his adult grandson with whom he had not established a physician-patient relationship and for whom he had not maintained medical records. This matter does not rise to the level of discipline.
21.	MD-08-0628A	MICHAEL J. FITZMAURICE, M.D.	36511	Issue an Advisory Letter for failure to divide the transverse carpal ligament during endoscopic carpal tunnel release. This matter does not rise to the level of discipline.

Dr. Fitzmaurice spoke during the call to the public with Mr. Bruce Crawford, legal counsel. . Dr. Schneider recommended giving the physician the benefit of the doubt and dismissing the case.

MOTION: Dr. Schneider moved for Dismissal.

SECONDED: Ms. Ibáñez

Dr. Krishna spoke against the motion and commented that issuing an Advisory Letter would be more appropriate. Dr. Schneider withdrew her motion and Ms. Ibáñez agreed.

MOTION: Dr. Krishna moved to issue an Advisory Letter for failure to divide the transverse carpal ligament during endoscopic carpal tunnel release. This matter does not rise to the level of discipline.

SECONDED: Dr. Goldfarb

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
22.	MD-08-0901A	PAUL C. PFUELGER, M.D.	37966	Offer Dr. Pfuelger a Consent Agreement for a Letter of Reprimand. If the physician declines, invite for a Formal Interview.

Dr. Pardo questioned how Dr. Pfuelger failed to recognize that he placed the incorrect knee components into the patient's right knee. The Board noted that Dr. Pfuelger did not recognize the mistake until the patient was in the recovery room and instructed Board staff to correct the Staff Investigational Review Committee (SIRC) report to indicate that the mistake was not recognized immediately. Board members commented that it is the surgeon's responsibility to assure that the correct knee components were inserted into the patient and noted there was patient harm and that a second surgery was required. Dr. Pardo questioned why this incident was not considered the same as wrong-site surgery.

MOTION: Dr. Pardo moved to offer Dr. Pfuelger a Consent Agreement for a Letter of Reprimand. If the physician declines, invite for a Formal Interview.

SECONDED: Dr. Martin

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
23.	MD-08-0289A	PRABHDEEP S. SETHI, M.D.	32042	Issue an Advisory Letter for failure to promptly recognize and properly treat urosepsis and for inadequate medical records. This was a one time occurrence that does not rise to the level of discipline.
24.	MD-07-1098A	SURENDHER LOKAREDDY, M.D.	22345	Issue an Advisory Letter for failing to discuss an abnormal pap smear with a patient and for incorrectly documenting an abnormal pap smear as normal. This matter does not rise to the level of discipline.

Dr. Krishna stated that he knows Dr. Lokareddy, but it would not affect his ability to adjudicate the case.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
25.	MD-08-0154A	ANTONIO R. DIMAANO, M.D.	13530	Issue an Advisory Letter for failing to adequately rule out TB by obtaining sputum stains and cultures for TB. This was a one time occurrence that does not rise to the level of discipline.
26.	MD-08-0650A	BENNY CELNIKER, M.D.	3729	Return for further investigation.

IG spoke during the call to the public and read statements for the patient and her husband. The Board noted that the statements issued during the call to the public alleged that Dr. Celniker had a significant tremor during the patient's surgery. The Board discussed returning the case for further investigation to determine if the physician suffers from tremors and whether this may have contributed to the patient's complication.

MOTION: Dr. Krishna moved to return the case for further investigation.

SECONDED: Dr. Lee

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
27.	MD-08-0729A	JOSEPH GUTMAN, M.D.	23609	Issue an Advisory Letter for inadequate medical records and for erroneously reporting a lab result. This was a one time occurrence that does not rise to the level of discipline.

Dr. Pardo was concerned with Dr. Gutman's identical notes for the two visits contained in the medical records and questioned whether he would benefit from obtaining CME in medical recordkeeping. Dr. Coffey reported that this may not have been intentional, that Dr. Gutman used an electronic medical record (EMR), and that it is common in EMRs.

MOTION: Dr. Pardo moved to issue an Advisory Letter for inadequate medical records and for erroneously reporting a lab result. This was a one time occurrence that does not rise to the level of discipline.

SECONDED: Dr. Mackstaller

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
28.	MD-08-0193A	RICHARD J. WHITMAN, M.D.	14188	Issue an Advisory Letter for failure to maintain adequate medical records. This matter does not rise to the level of discipline.
29.	MD-08-0651A	TINA M. PELOPIDA, M.D.	34703	Invite the physician for a Formal Interview.

Dr. Petelin noted that the Medical Consultant found that Dr. Pelopida should have been at the patient's bedside to assess whether or not she would have benefitted from blood transfusions for her blatant intra-abdominal bleed. Dr. Petelin was concerned with Dr. Pelopida's management of this patient's care and the delay in taking the patient to the operating room. He questioned whether Dr. Pelopida would benefit from obtaining CME in the treatment of hemorrhagic complications and shock.

MOTION: Dr. Schneider moved to invite the physician for a Formal Interview.

SECONDED: Dr. Petelin

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
30.	MD-07-0564A	WILLIAM H. KIDD, M.D.	10216	Issue an Advisory Letter for failing to adequately monitor a patient's intravenous lines during emergency surgery. This was a one time occurrence that does not rise to the level of discipline.

Drs. Lee and Petelin were recused from this case.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
31.	MD-07-0505A	JENNIFER K. O'NEILL, M.D.	33230	Issue an Advisory Letter for failing to review pathology and radiology findings and for failing to maintain adequate medical records. The violation is a minor or technical violation that does not rise to the level of discipline.

Dr. Martin was recused from this case. Dr. O'Neill spoke during the call to the public with Mr. Stephen Myers, legal counsel. Dr. Mackstaller noted that there was no actual patient harm identified in this case and recommended dismissal.

MOTION: Dr. Mackstaller moved for Dismissal.

This motion was not seconded; therefore, the motion failed.

MOTION: Dr. Krishna moved to issue an Advisory Letter for failing to review pathology and radiology findings and for failing to maintain adequate medical records. The violation is a minor or technical violation that does not rise to the level of discipline.

SECONDED: Dr. Schneider

VOTE: 9-yay, 2-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
32.	MD-08-0162A	DUANE G. MARTIN, M.D.	30487	Issue an Advisory Letter for placing a drain in a hospital emergency room without having hospital privileges in that facility and for inadequate medical records. This matter does not rise to the level of discipline.

MOTION: Dr. Petelin moved to reopen the case.

SECONDED: Dr. Krishna

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board noted that this matter involved the same facility that was involved in Advisory Letter #9. Dr. Krishna was concerned with Dr. Martin's attempt to place a drain in a patient at a hospital where he did not have privileges. He recommended inviting Dr.

Martin for a Formal Interview as he was also concerned with Dr. Martin performing office based surgery without having hospital privileges.

MOTION: Dr. Krishna moved to invite the physician for a formal Interview.

SECONDED: Dr. Petelin

Dr. Schneider spoke against the motion and stated that issuing an Advisory Letter would be more appropriate.

VOTE: 5-yay, 6-nay, 1-abstain, 0-recuse, 0-absent.

MOTION FAILED.

MOTION: Dr. Schneider moved to issue an Advisory Letter for placing a drain in a hospital emergency room without having hospital privileges in that facility and for inadequate medical records. This matter does not rise to the level of discipline.

SECONDED: Ms. Griffen

VOTE: 7-yay, 4-nay, 1-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
33.	MD-07-0236A	CHUBA B. ONONYE, M.D.	23372	Issue an Advisory Letter for failing to obtain a CT scan of a liver mass that had been detected by ultrasound and for failing to adequately document his discussion with the patient regarding not obtaining the CT scan. This matter does not rise to the level of discipline.

Dr. Pardo questioned the wording of the recommended Advisory Letter. Dr. Wolf stated that it was difficult to determine whether Dr. Ononye discussed why he was not obtaining the CT scan with the patient or if the patient refused a CT scan. Dr. Wolf stated that Dr. Ononye claimed that the patient understood the consequences, but failed to document it in the medical record. Dr. Krishna recommended removing "either" and changing "or" to "and."

MOTION: Dr. Krishna moved to issue an Advisory Letter for failing to obtain a CT scan of a liver mass that had been detected by ultrasound and for failing to adequately document his discussion with the patient regarding not obtaining the CT scan. This matter does not rise to the level of discipline.

SECONDED: Ms. Proulx

VOTE: 11-yay, 0-nay, 1-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
34.	MD-07-0889A	EVGENIJE E. SAVIN, M.D.	25862	Issue an Advisory Letter for recommending excessive fluids in a patient with congestive heart failure and hypertension, for continuing ACE inhibitors and NSAIDS in a patient with elevated BUN and Creatinine, and for inadequate medical records. This was a one time occurrence that does not rise to the level of discipline.
35.	MD-08-0245A	JOHN N. HERROD, M.D.	23116	Issue an Advisory Letter for inadequate medical records. This was a one time occurrence that does not rise to the level of discipline.

Mr. Ed Gaines spoke during the call to the public. Dr. Goldfarb stated that he knows Mr. Gaines, but it would not affect his ability to adjudicate the case.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
36.	MD-08-0609A	DOUGLAS E. BISCHOFF, M.D.	22067	Issue an Advisory Letter for failing to perform directed physical examinations, for failing to closely monitor fluid status sufficiently in a critically ill patient, and for inadequate medical records. This was a one time occurrence that does not rise to the level of discipline.
37.	MD-08-0984A	SEAN T. LILLE, M.D.	27453	Issue an Advisory Letter for administering Ancef to a patient with a known cephalosporin allergy. This was a one time occurrence that does not rise to the level of discipline.

MJ spoke during the call to the public.

ADVISORY LETTERS WITH NON-DISCIPLINARY CME

MOTION: Dr. Lee moved to issue an Advisory Letter with non-disciplinary CME in item numbers 2, 3, and 5.

SECONDED: Ms. Proulx

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-08-0227A	EUGENE R. ALMER, M.D.	4476	Issue an Advisory Letter for failure to maintain adequate medical records and for failure to create a separate record with evaluation for the purposes of establishing conservatorship. This matter does not rise to the level of discipline.

Dr. Petelin opined that issuing the Advisory Letter without CME would be sufficient.

MOTION: Dr. Petelin moved to issue an Advisory Letter for failure to maintain adequate medical records and for failure to create a separate record with evaluation for the purposes of establishing conservatorship. This matter does not rise to the level of discipline.

SECONDED: Dr. Schneider

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-08-0592A	GREGORY J. PORTER, M.D.	14879	Issue an Advisory Letter for initiating Methadone at a higher dose than recommended for the patient's chronic pain. This matter does not rise to the level of discipline. Within 6 months obtain 15-20 hours non-disciplinary CME in prescribing opioids.
3.	MD-08-0046A	THEODORE L. RUDBERG, M.D.	11018	Issue an Advisory Letter for upcoding and for inadequate medical records. This matter does not rise to the level of discipline. Within 6 months obtain 15-20 hours non-disciplinary CME in medical recordkeeping.
4.	MD-08-0172A	MICHAEL J. TINGEY, M.D.	23746	Return the case for further investigation.

PB and CB spoke during the call to the public. Mr. Rick Delo, the physician's legal counsel, also addressed the Board. Dr. Coffey summarized that the Medical Consultant found that Dr. Tingey prescribed testosterone replacement without proper diagnostic confirmation or lab monitoring and prescribed testosterone in supraphysiologic doses. Dr. Lee found that Dr. Tingey poorly documented the type of medications and dosages prescribed. Dr. Lee recommended returning the case for further investigation to conduct a chart review to determine whether this was a one time occurrence.

MOTION: Dr. Lee moved to return the case for further investigation.

SECONDED: Ms. Griffen

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
5.	MD-08-0395A	SUDEEP S. PUNIA, M.D.	20224	Issue an Advisory Letter for inadequate medical records. This matter does not rise to the level of discipline. Within 6 months obtain 15-20 hours non-disciplinary CME in recordkeeping.
6.	MD-08-0277A	SUDEEP S. PUNIA, M.D.	20224	Invite the physician for a Formal Interview.

Dr. Goldfarb noted that Dr. Punia allowed a physician assistant (PA) to use his DEA number and place his name on prescriptions, he failed to comply with CPT coding, and allowed the PA to work at three geographically separate locations without receiving Board approval. Dr. Goldfarb recommended referring the PA to the Arizona Regulatory Board of Physician Assistants. Board staff reported that this case stemmed from a case regarding the PA.

MOTION: Dr. Goldfarb moved to invite the physician for a Formal Interview.

SECONDED: Dr. Mackstaller

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

REVIEW OF EXECUTIVE DIRECTOR (ED) DISMISSALS

MOTION: Ms. Proulx moved to uphold the ED dismissal in item numbers 1-5, and 9.

SECONDED: Dr. Lee

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-07-0757A	PATTI A. FLINT, M.D.	23855	Uphold ED Dismissal.

MD spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-07-1123A	HAROLD H. HASTON, M.D.	22900	Uphold ED Dismissal.
3.	MD-08-0784A	CATHERINE P. BRAINARD, M.D.	22022	Uphold ED Dismissal.
4.	MD-08-0561A	RAMONA B. WOODRIFFE, M.D.	12825	Uphold ED Dismissal.
5.	MD-08-0472A	ROBERT H. SHAPIRO, M.D.	25076	Uphold ED Dismissal.
6.	MD-08-0187A	ALBERT E. CARLOTTI, M.D.	29728	Return the case for further investigation.
7.	MD-08-0187B	MICHELLE L. CABRET-CARLOTTI, M.D.	30196	Return the case for further investigation.

SP, DS, and PP spoke during the call to the public regarding cases #6 and #7. Drs. Michelle Cabret-Carlotti and Albert Carlotti also addressed the Board during the call to the public with Ms. Veronica Manolio, legal counsel. Bhupendra Bhatheja, M.D., Medical Consultant, summarized that the Medical Consultant who reviewed the cases found no deviation from the standard of care. Dr. Mackstaller noted the statements issued during the call to the public and commented that she does not believe that the Board is a forum for personal issues against physicians. Dr. Martin stated that the Board's primary responsibility is to protect the public and that the Board should focus on whether the standard of care had been breached. Dr. Petelin noted that the patient alleged that the physicians altered/changed her medical records and that their laser equipment was not appropriately calibrated or

registered with the Arizona Radiation Regulatory Agency (ARRA). He recommended that the cases return for further investigation to determine whether the allegations are valid.

MOTION: Dr. Petelin moved to return item numbers 6 and 7 for further investigation.

SECONDED: Dr. Goldfarb

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
8.	MD-08-0717A	JOLYON D. SCHILLING, M.D.	20246	Uphold ED Dismissal.

Jim Kaucher, the physician's legal counsel, spoke during the call to the public. CG also spoke during the call to the public. Dr. Goldfarb stated that he knows Mr. Kaucher, but it would not affect his ability to adjudicate the case. Dr. Petelin was concerned that Dr. Schilling attempted to drain the patient's abscess without obtaining informed consent and commented that an Advisory Letter would be appropriate.

MOTION: Dr. Petelin moved to return the case for further investigation and place on a future agenda with the recommendation for an Advisory Letter.

SECONDED: Ms. Ibáñez

Dr. Krishna stated that draining of the abscess is appropriate when infection is present. He noted that the patient alleged that Dr. Schilling made an incision without sedating her. Board members noted that local anesthesia does not work well in infected tissue.

VOTE: 3-yay, 9-nay, 0-abstain, 0-recuse, 0-absent.

MOTION FAILED.

MOTION: Dr. Krishna moved to uphold the ED Dismissal.

SECONDED: Dr. Schneider

VOTE: 11-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
9.	MD-08-0719A	JOSEPH D. CURLETTA, M.D.	19216	Uphold ED Dismissal.

FH spoke during the call to the public.

OTHER BUSINESS

MOTION: Dr. Martin moved to accept the proposed Consent Agreement in item numbers 1-10 and 16.

SECONDED: Dr. Lee

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Ms. Proulx, and Dr. Schneider. The following Board member was absent: Dr. Petelin.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-08-0335A	MIGUEL B. SAMONTE, M.D.	30817	Accept proposed Consent Agreement for a Letter of Reprimand.
2.	MD-08-0185A	DAVID R. FAKIER, M.D.	35963	Accept proposed Consent Agreement for a Letter of Reprimand.
3.	MD-08-0464A	MARTIN L. BROWN, M.D.	17784	Accept proposed Consent Agreement for a Letter of Reprimand. One Year Probation to obtain 15-20 hours CME in opioid and Methadone prescribing. The CME hours shall be in addition to hours required for biennial renewal of medical license. Probation to terminate upon successful completion of CME.
4.	MD-08-0601A	BRIAN H. PERLMUTTER, M.D.	27305	Accept proposed Consent Agreement for Probation.
5.	MD-08-0553A	RICHARD E. STANDRIDGE, M.D.	14835	Accept proposed Consent Agreement for Surrender of an active license.
6.	MD-08-0059A	THOMAS J. PETRONE, M.D.	23585	Accept proposed Consent Agreement for a Letter of Reprimand. Two Years Probation to include periodic chart reviews.
7.	MD-08-0885A	RODNEY J. LEE, M.D.	40201	Accept proposed Consent Agreement for Surrender of an active license.
8.	MD-08-0089B	ANGELO M. ONG-VELOSO, M.D.	26164	Accept proposed Consent Agreement for a Letter of Reprimand.

Mr. Matt Cates, the physician's legal counsel, spoke during the call to the public.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
9.	MD-07-0986A	ALEXANDER VILLARES, M.D.	32704	Accept proposed Consent Agreement for a Decree of Censure. Ten Years Probation to include periodic chart reviews.
10.	MD-08-1435A	PAUL C. ROBBINS, M.D.	4176	Accept proposed Consent Agreement for Surrender of an active license.
11.	MD-08-1151A	DAVID K. PATZER, M.D.	N/A	Accept proposed Consent Agreement for a Probationary License. Five Years Probation to participate in MAP. The physician shall notify the Board 30 days prior to returning to Arizona to practice medicine, at which time the MAP Probation becomes effective.

Kathleen Muller, Physician Health Program, reported that Dr. Patzer had been monitored by the Tennessee Medical Board since 2004 and is in compliance with their monitoring requirements. Board staff recommended the Board issue Dr. Patzer a probationary license.

MOTION: Dr. Mackstaller moved to accept the proposed Consent Agreement for a Probationary License. Five Years Probation to participate in MAP. The physician shall notify the Board prior to returning to Arizona to practice medicine, at which time the MAP Probation becomes effective.

SECONDED: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Ms. Proulx, and Dr. Schneider. The following Board member abstained: Dr. Petelin.

VOTE: 11-yay, 0-nay, 1-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
12.	MD-08-0095A	SHAHZAD HASAN, M.D.	33716	Approve draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

MOTION: Dr. Mackstaller moved to approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

SECONDED: Dr. Krishna

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
13.	MD-04-0058A	JEFFREY LIVOVICH, M.D.	29563	Termination of Board Order.

Ms. Muller summarized the case stating that Dr. Livovich entered into private monitoring in February 2004 and was subsequently issued a Board Order in March 2005 to enter the Board's Monitored Aftercare Program (MAP). She stated that Dr. Livovich requested the Board allow credit for the time he was privately monitored and terminate his Board Order.

MOTION: Dr. Lee moved to terminate the Board Order.

SECONDED: Dr. Petelin

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
14.	MD-06-0693A	ROBERT L. MAHANTI, M.D.	20847	Dismiss.

Drs. Lee and Lefkowitz were recused from this case. Dr. Mackstaller supported dismissing this case and stated that it was important for the Board to have obtained the second opinion.

MOTION: Dr. Mackstaller moved for Dismissal.

SECONDED: Dr. Martin

Dr. Martin stated that this was a situation in which the Board had the opportunity to act behind closed doors, but made the choice to conduct itself in the open in an effort to remain transparent. Dr. Martin expressed his appreciation to the members in resolving this matter.

VOTE: 10-yay, 0-nay, 0-abstain, 2-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
15.	MD-06-0939A	JAMES W. SCHOUTEN, M.D.	26278	Termination of Board Order.

JB spoke during the call to the public. Erin Downey, Case Manager, summarized that Dr. Schouten was placed on Probation, and required to attend PACE and obtain CME. She stated that he complied with the Board's requirements and is requesting that the Board Order be terminated.

MOTION: Dr. Krishna moved to terminate the Board Order.

SECONDED: Dr. Petelin

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
16.	MD-08-0243A	ILANGO VAN GOVINDARAJAN, M.D.	25797	Accept proposed Consent Agreement for a Decree of Censure. Five Years Probation to include a female chaperone requirement while examining or treating female patients in any setting and Psychiatric/Psychological Treatment. Physician shall obtain 4 hours of CME in ethics training per year. The CME hours shall be in addition to the hours required for the biennial renewal of medical license.

CALL TO ORDER

The meeting was called to order at 8:31 a.m.

ROLL CALL

The following Board members were present: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lefkowitz, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

CALL TO THE PUBLIC

PP addressed the Board regarding cases MD-08-0203A & B regarding Drs. Albert Carlotti and Michelle Cabret-Carlotti. PP alleged that she was misled by the physicians' experience and stated that she was not satisfied with the services that she received. All other statements issued during the call to the public appear beneath the case referenced.

Dr. James Burke of Scottsdale Healthcare expressed his concerns regarding the early termination of the Monitored Aftercare Program (MAP) participants and the safety of patients. He stated that the five year program has been very successful in ensuring the public is protected. He explained that the hospital's experience in working with the Board has been very good and collaborative in protecting patients. Drs. David Greenberg and Michel Sucher, MAP Contractors, expressed their concerns regarding the ED's decision to prematurely terminate seventeen of the MAP participants. Dr. Greenberg reported that MAP is one of the strictest programs in the country and has produced good results. He urged the Board to maintain the licensees' stipulations to assist in their recovery while protecting the public. Dr. Sucher stated that he and Dr. Greenberg have worked with the Board for seventeen years. He stated that MAP provides participants with support and structure through monitoring to increase their probability for a successful recovery. He expressed his concern that without the structure and support, the public may be at risk. He requested that the Board table the matter and meet with them through the Board's Physician Health Program Subcommittee for open discussion regarding this matter.

FORMAL HEARING MATTERS – CONSIDERATION OF ADMINISTRATIVE LAW JUDGE (ALJ) RECOMMENDED DECISION

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
1.	MD-06-0056A	JACK I. DODGE, M.D.	15597	Adopt and modify the ALJ's recommended Order for Revocation to assess Formal Hearing costs.

Dr. Dodge was not present during the Board's consideration of the case. Board members indicated that they received and reviewed the administrative record of the Formal Hearing in this matter. Jennifer Boucek, Assistant Attorney General, requested that the Board modify Finding of Fact #3 to change "complainant" to "complaint," to delete Finding of Fact #15, and to modify the recommended Order to assess Formal Hearing costs.

MOTION: Dr. Krishna moved to adopt and modify the ALJ's recommended Findings of Fact and Conclusions of Law, as amended.

SECONDED: Dr. Schneider

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt and modify the ALJ's recommended Order for Revocation to assess Formal Hearing costs.

SECONDED: Dr. Lee

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
2.	MD-05-1133A	GARY W. HALL, M.D.	12977	Adopt the ALJ's recommended Order for an additional Ten Years Probation subject to the terms of the physician's current Probation set forth in his Consent Agreement and shall run consecutively. Dr. Hall is assessed a civil penalty of \$10,000.00, to be paid within 45 days of the effective date of this Order. Dr. Hall is assessed Formal Hearing costs.

Dr. Lefkowitz was recused from this case. Dr. Hall was not present during the Board's consideration of the case. Board members indicated that they received and reviewed the administrative record of the Formal Hearing in this matter. Ms. Boucek summarized that the ALJ found Dr. Hall in violation of a Board Order that prohibited him from performing surgery of any kind. Ms. Boucek requested that the Board adopt the recommendations of the ALJ.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Findings of Fact and Conclusions of Law.

SECONDED: Ms. Griffen

VOTE: 11-yay, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

MOTION: Dr. Goldfarb moved to adopt the ALJ's recommended Order for an additional Ten Years Probation subject to the terms of the physician's current Probation set forth in his Consent Agreement. Probation shall run consecutively with the physician's current Probation. Dr. Hall is assessed a civil penalty of \$10,000, to be paid within 45 days of the effective date of this Order, unless the deadline date is extended by the Board or its ED. Dr. Hall is assessed Formal Hearing costs.

SECONDED: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Ms. Proulx, and Dr. Schneider. The following Board member voted against the motion: Dr. Petelin. The following Board member was recused: Dr. Lefkowitz.

VOTE: 10-yay, 1-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
3.	MD-06-0622A MD-06-0780A MD-07-0009A MD-07-0255A	JAMES L. ROBROCK, M.D.	16209	Adopt the ALJ's recommended Order for Revocation.

Dr. Robrock was not present during the Board's consideration of the case. Board members indicated that they received and reviewed the administrative record of the Formal Hearing in this matter. Ms. Boucek summarized that the ALJ found that Dr. Robrock admitted to habitual intemperance in the use of alcohol and substance abuse, violated his Stipulated Health Agreement, failed to maintain adequate medical records and failed to provide a patient with records upon request. Ms. Boucek recommended adopting the ALJ's recommendations in its entirety.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Findings of Fact and Conclusions of Law.

SECONDED: Ms. Proulx

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Order for Revocation.

SECONDED: Dr. Petelin

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
4.	MD-07-0728A MD-07-0763A MD-07-0885A MD-07-0762A MD-07-0738A MD-07-0768A MD-07-0936A MD-07-0857A	DAVID L. GREENE, M.D.	32747	Reject the ALJ's recommended Findings of Fact, Conclusions of Law and Order after rehearing and accept the ALJ's original recommended Findings of Fact, Conclusions of Law and Order for Revocation. Dr. Greene is assessed the costs of both Formal Hearings.

Dr. Lefkowitz was recused from this case. JD and BD spoke during the call to the public. Mr. Paul Giancola was present as legal counsel for the physician. Drs. Martin and Krishna stated that they know Mr. Giancola but it would not affect their ability to adjudicate the case. Board members indicated that they received and reviewed the administrative record of the Formal Hearing in this matter. Anne Froedge, Assistant Attorney General, stated that nothing has changed in the case and that the Board should uphold its decision to revoke Dr. Greene's license. She stated that numerous patients were permanently injured or died resulting from surgery performed by Dr. Greene within a very limited time frame. Ms. Froedge stated that Dr. Greene's continued insistence that he has made no mistake is considered an aggravating factor. Mr. Giancola stated that a lesser penalty was appropriate and requested that the Board allow Dr. Greene to enter into a nonsurgical practice with all the appropriate provisions for continued monitoring and probation as it will adequately protect the public. Ms. Froedge stated that the way the recommendation is written does not prohibit Dr. Greene from entering into another surgical group, as it only prohibits him from performing spine surgery.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Findings of Fact and Conclusions of Law, as amended.

SECONDED: Dr. Mackstaller

Dr. Mackstaller noted that thirteen patients were involved in the cases regarding Dr. Greene and stated that she was concerned for the safety of other patients. Dr. Lee stated that she shared the same concerns as Dr. Mackstaller and that he does not believe Dr. Greene is remorseful for the harm he has caused his patients.

MOTION: Dr. Goldfarb moved to enter into Executive Session to receive legal advice.

SECONDED: Dr. Mackstaller

VOTE: 11-yay, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 12:10 p.m.

The Board returned to Open Session at 12:18 p.m.

No deliberations or discussions were made during Executive Session.

Dr. Martin was concerned with Dr. Greene's failure to be truthful with the Board. Dr. Martin spoke against the motion and in support of Revocation. Dr. Krishna commented that in accepting the ALJ's recommendation, there are systems in place with regard to what Dr. Greene can and cannot do. He noted that PACE found Dr. Greene's clinical knowledge acceptable. Dr. Pardo spoke against the motion and believed that Revocation would be more appropriate.

VOTE: 2-yay, 9-nay, 0-abstain, 1-recuse, 0-absent.

MOTION FAILED.

Dr. Martin stated that practicing medicine in Arizona is a privilege, and that Dr. Greene has forfeited that privilege.

MOTION: Dr. Martin moved to reject the ALJ's recommended Findings of Fact, Conclusions of Law and Order after rehearing and accept the ALJ's original recommended Findings of Fact, Conclusions of Law and Order for Revocation. Dr. Greene is assessed the costs of both Formal Hearings.

SECONDED: Ms. Ibáñez

Dr. Krishna spoke against the motion and found the ALJ's recommendation for stayed revocation to be appropriate. Dr. Mackstaller reiterated her concerns for patient safety and stated that she does not want any more patients to suffer. Dr. Petelin agreed with the need to protect the public; however, he stated that the Board also has the duty to rehabilitate its licensees. He stated that by revoking Dr. Greene's license, the Board is denying him that opportunity. Dr. Goldfarb recalled Dr. Greene's Formal Interview with Board and noted that he was provided the opportunity to continue practicing as the Board issued him a Decree of Censure at that time. Dr. Goldfarb also recalled that Dr. Greene was not truthful with the Board during his Interview, resulting in the Summary Suspension of Dr. Greene's license just a few days later. Ms. Ibáñez spoke in favor of the motion and stated that the Board has an obligation to rehabilitate its licensees, but did not believe that it was appropriate in this matter.

MOTION: Dr. Lee moved to enter into Executive Session to receive legal advice.

SECONDED: Ms. Griffen

VOTE: 11-yay, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 12:34 p.m.

The Board returned to Open Session at 12:39 p.m.

No deliberations or discussions were made during Executive Session.

Dr. Pardo spoke in support of the motion and stated it seems that Dr. Greene has no perception of his inabilities. Dr. Goldfarb noted that if the Board revoked Dr. Greene's license, he may reapply in five years.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Ms. Proulx, and Dr. Schneider. The following Board members voted against the motion: Drs. Krishna and Petelin. The following Board member was recused: Dr. Lefkowitz.

VOTE: 9-yay, 2-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
5.	MD-07-0820A	MARK E. LAURSEN, M.D.	21941	Adopt the ALJ's recommended Order for Dismissal.

Scott Holden was present as legal counsel for the physician. Board members indicated that they received and reviewed the administrative record of the Formal Hearing in this matter. Ms. Froedge summarized that Dr. Laursen admitted the patient to a hospital in which there was no cardiologist. She stated that the patient suffered significant injury to the heart as a result. She requested that the Board reject the ALJ's recommendation and issue a Letter of Reprimand. Mr. Holden stated that it is inappropriate for the State to ask the Board to disregard the hearing and to substitute the facts that were not proven or presented at Hearing. Ms. Froedge stated that all of the exhibits were admitted into evidence and the modifications that she recommended were taken directly from the record.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Findings of Fact and Conclusions of Law.

SECONDED: Dr. Lefkowitz

VOTE: 8-yay, 1-nay, 3-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Dr. Krishna moved to adopt the ALJ's recommended Order for Dismissal.

SECONDED: Ms. Ibáñez

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lefkowitz, Dr. Mackstaller, Dr. Pardo and Dr. Petelin. The following Board members voted against the motion: Drs. Lee and Schneider. The following Board members abstained: Drs. Goldfarb and Martin, and Ms. Proulx.

VOTE: 7-yay, 2-nay, 3-abstain, 0-recuse, 0-absent.

MOTION PASSED.

OTHER BUSINESS

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-07-1069A	SAMER S. SANNOUFI, M.D.	33024	Rescind referral to Formal Hearing and accept proposed Consent Agreement for a Letter of Reprimand with One Year Probation to obtain 15-20 hours CME in boundary issues. The CME hours shall be in addition to the hours required for biennial renewal of medical license. The Probation shall terminate upon successful completion of the CME.

Jennifer Boucek, Assistant Attorney General, summarized the case and requested that the Board rescind the referral to Formal Hearing and accept the proposed Consent Agreement for a Letter of Reprimand.

MOTION: Dr. Krishna moved to rescind referral to Formal Hearing and accept proposed Consent Agreement for a Letter of Reprimand with One Year Probation to obtain 15-20 hours CME in boundary issues. The CME hours shall be in addition to the hours required for biennial renewal of medical license. The Probation shall terminate upon successful completion of the CME.

SECONDED: Ms. Proulx

Dr. Pardo noted that this matter had been referred to Formal Hearing due to the physician's failure to appear for his scheduled Formal Interview in December 2008. She spoke against the motion and stated that she was concerned with the ethical issues that were identified in the case.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Petelin, Ms. Proulx, and Dr. Schneider. The following Board member voted against the motion: Dr. Pardo.

VOTE: 11-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-07-0531A MD-07-1071A	ROBERT C. OSBORNE, M.D.	9796	Rescind referral to Formal Hearing and accept proposed Consent Agreement for a Letter of Reprimand.

Ms. Boucek summarized the case and requested that the Board rescind the referral to Formal Hearing and accept the proposed Consent Agreement for a Letter of Reprimand. She informed the Board that through his attorney, Dr. Osborne indicated that he will be attending PACE. Dr. Pardo questioned whether Dr. Osborne completed PACE and recommended tabling the matter to obtain further information.

MOTION: Dr. Krishna moved to table this matter.

SECONDED: Dr. Pardo

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board returned to this matter during the afternoon session.

MOTION: Dr. Pardo moved to rescind referral to Formal Hearing and accept proposed Consent Agreement for a Letter of Reprimand.

SECONDED: Dr. Lee

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
3.	MD-07-0081A	ELLEN S. SCHAEFFER, M.D.	34518	Rescind referral to Formal Hearing and accept proposed Consent Agreement for a Letter of Reprimand.

Ms. Boucek summarized the case and requested that the Board rescind the referral to Formal Hearing and accept the proposed Consent Agreement for a Letter of Reprimand.

MOTION: Dr. Krishna moved to rescind referral to Formal Hearing and accept proposed Consent Agreement for a Letter of Reprimand.

SECONDED: Ms. Ibáñez

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
4.	MD-07-0549A	RICHARD A. WAGNER, M.D.	26957	Issue an Advisory Letter for failing to timely recognize the possibility of respiratory suppression associated with narcotics. This is a minor or technical violation.

Dr. Wagner was present with Mr. David Hill, legal counsel. Dr. Goldfarb stated that he knows Mr. Hill, but it would not affect his ability to adjudicate the case. Dr. Wagner stated that he was concerned with how the impact of the case will affect his career. He stated that the patient had a rare reaction to Toradol and that the pulmonary edema was not found or treated until two hours after transferring her care to the oncoming emergency room physician. Dr. Wagner stated that the facts in the case do not warrant discipline.

MOTION: Dr. Krishna moved to accept the Motion for Good Cause for submission of late material.

SECONDED: Dr. Schneider

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

Mr. Hill stated that the patient's chart is not always the best illustration of what occurred. He stated that Dr. Wagner explained himself credibly in the case and that he does not believe discipline is appropriate.

MOTION: Dr. Lee moved to modify line 2 of Finding of Fact #7 to state that the oncoming emergency room physician gave the patient Narcan, and to remove "acted immediately."

SECONDED: Dr. Krishna

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

Dr. Krishna believed the case rises to the level of discipline and found that Dr. Wagner committed unprofessional conduct.

MOTION: Dr. Krishna moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public; and A.R.S. §32-1401(27)(II)- Conduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.

SECONDED: Ms. Proulx

Dr. Mackstaller spoke against the motion and stated that she did not believe that 2mg of Dilaudid should be considered a high dose. Dr. Petelin spoke against the motion and stated that it is plausible that the situation was caused by noncardiogenic pulmonary edema related to Toradol.

VOTE: 4-yay, 8-nay, 0-abstain, 0-recuse, 0-absent.

MOTION FAILED.

MOTION: Dr. Mackstaller moved to rescind the Letter of Reprimand.

SECONDED: Dr. Petelin

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Lefkowitz, Dr. Mackstaller, Dr. Pardo, and Dr. Petelin. The following Board members voted against the motion: Dr. Krishna, Dr. Lee, Dr. Martin, Ms. Proulx, and Dr. Schneider.

VOTE: 7-yay, 5-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Dr. Mackstaller moved to issue an Advisory Letter for failing to timely recognize the possibility of respiratory suppression associated with narcotics. This is a minor or technical violation.

SECONDED: Dr. Lefkowitz

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Lefkowitz, Dr. Mackstaller, Dr. Pardo, and Dr. Petelin. The following Board members voted against the motion: Dr. Krishna, Dr. Lee, Dr. Martin, Ms. Proulx, and Dr. Schneider.

VOTE: 7-yay, 5-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
5.	MD-04-1308A	GEOFFREY P. RADOFF, M.D.	9881	Rescind referral to Formal Hearing and issue an Advisory Letter for failing to maintain adequate medical records. This is a minor or technical violation.

MOTION: Dr. Lee moved to rescind referral to Formal Hearing.

SECONDED: Dr. Goldfarb

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

MOTION: Dr. Mackstaller moved to enter into Executive Session to receive legal advice.

SECONDED: Ms. Proulx

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board went into Executive Session for legal advice at 2:49 p.m.

The Board returned to Open Session at 2:55 p.m.

No deliberations or discussions were made during Executive Session.

MOTION: Dr. Krishna moved to issue an Advisory Letter for failing to maintain adequate medical records. This is a minor or technical violation.

SECONDED: Dr. Mackstaller

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
6.	MD-03-0970A	JOHN M. RITLAND, M.D.	17268	Rescind referral to Formal Hearing and dismiss the case.

Dr. Lee was recused from the case. Ms. Boucek summarized that this case returned to the Board's Staff Investigational Review Committee (SIRC) for clarification. Upon re-review of the case, SIRC found that the A.R.S. §32-1401(27)(z) violation could not be sustained and recommended dismissing the case. SIRC noted in its review that Dr. Ritland does not live or practice in the State of Arizona. SIRC also noted that if Dr. Ritland were to return to Arizona, he would be required to obtain a female chaperone as required under the terms of the 2006 Board Order.

MOTION: Dr. Krishna moved to rescind referral to Formal Hearing.

SECONDED: Dr. Schneider

VOTE: 11-yay, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

Dr. Krishna noted that the complainant was not interested in pursuing the complaint.

MOTION: Dr. Krishna moved for Dismissal.

SECONDED: Dr. Mackstaller

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider. The following Board member was recused: Dr. Lee.

VOTE: 11-yay, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
7.	MD-03-0378A	JOHN S. TRUITT, M.D.	21749	Rescind referral to Formal Hearing and issue an Advisory Letter for performing a full brain radiation without evidence of metastatic disease in a patient with stroke symptoms. This is a technical violation.

Mr. Ed Gaines, legal counsel for Dr. Truitt, was present. Dr. Goldfarb stated that he knows Mr. Gaines, but it would not affect his ability to adjudicate the case. Ms. Boucek summarized the case and requested that the Board rescind the referral to Formal Hearing and issue Dr. Truitt an Advisory Letter.

MOTION: Dr. Pardo moved to rescind referral to Formal Hearing and issue an Advisory Letter for performing a full brain radiation without evidence of metastatic disease in a patient with stroke symptoms. This is a technical violation.

SECONDED: Ms. Proulx

Dr. Goldfarb summarized the case. The case involved a patient who had an acute stroke and received radiation therapy by Dr. Truitt despite the radiologist's opinion that the patient's condition was that of a stroke and not a brain tumor. Dr. Truitt disagreed and proceeded with full brain radiation. Dr. Martin questioned whether the case should return for further investigation to obtain a second opinion. Mr. Gaines stated that an Advisory Letter would be appropriate as there was no actual patient harm identified and

the violation was one of a technical nature. He spoke against returning the matter as it would prolong the case when part of due process includes expeditiously adjudicating the case.

MOTION: Dr. Martin moved to enter into Executive Session to receive legal advice.

SECONDED: Dr. Schneider

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

The Board entered into Executive Session for legal advice at 3:16 p.m.

The Board returned to Open Session at 3:22 p.m.

No deliberations or discussions were made during Executive Session.

VOTE: 8-yay, 4-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
8.	MD-05-1208A	MAHENDRA NATH, M.D.	10234	Deny motion for rehearing or review.

Ms. Boucek summarized this matter for the Board. She stated that Dr. Nath indicated that his criminal conviction was dismissed and that had been the basis of the Board Order. She reported that the Board may modify the Findings of Fact to reflect the dismissal of the conviction and requested the Board deny Dr. Nath's motion for rehearing or review.

MOTION: Dr. Martin moved to deny the motion for rehearing or review.

SECONDED: Dr. Krishna

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
9.	MD-04-0236A	KENNETH M. FISHER, M.D.	12762	Rescind referral to Formal Hearing and accept proposed Consent Agreement for a Letter of Reprimand.

MOTION: Dr. Krishna moved to rescind referral to Formal Hearing and accept the proposed Consent Agreement for a Letter of Reprimand.

SECONDED: Ms. Proulx

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
10.	MD-07-0874A	WARREN L. MOODY, M.D.	31152	Rescind referral to Formal Hearing and accept proposed Consent Agreement for a Decree of Censure and Practice Restriction. Dr. Moody shall undergo a residential evaluation and shall comply with any recommendations made by the evaluation facility. Following successful completion of evaluation, the physician shall enter MAP and may then petition the Board to terminate the Practice Restriction.

Mr. Dan Jantsch, legal counsel for Dr. Moody, was present. Emma Mamaluy, Assistant Attorney General, summarized that the proposed Consent Agreement provides adequate notice as to Dr. Moody's conduct and prevents him from returning to practice until he completes treatment. She stated that the proposed Agreement adequately protects the public while rehabilitating the physician; Mr. Jantsch agreed. Dr. Pardo was concerned with Dr. Moody's conduct and noted that he relapsed twice. Ms. Mamaluy reported that the Board was not aware of Dr. Moody's initial relapse and treatment. Ms. Wynn stated that once the Board has identified addiction or substance abuse, it is at that time in which the physician becomes a MAP participant. Dr. Pardo reiterated her concerns regarding Dr. Moody's two prior relapses.

MOTION: Dr. Krishna moved to rescind referral to Formal Hearing and accept the proposed Consent Agreement for a Decree of Censure and Practice Restriction. Dr. Moody shall undergo a residential evaluation and shall comply with any recommendations made by the evaluation facility. Following successful completion of the evaluation, the physician shall enter MAP and may then petition the Board to terminate the Practice Restriction.

SECONDED: Dr. Lee

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Petelin, Ms. Proulx, and Dr. Schneider. The following Board member voted against the motion: Dr. Pardo.

VOTE: 11-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
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11.	MD-04-0102A MD-05-0969A MD-05-1206A MD-06-0669A MD-08-0890A	WILLIAM A. MORA, M.D.	13088	Rescind referral to Formal Hearing and accept proposed Consent Agreement for Stayed Revocation with a Practice Restriction. The physician shall undergo a substance abuse evaluation and comply with all recommendations of the treatment facility, including any recommendations for treatment and MAP participation. Dr. Mora shall undergo a PACE evaluation in hand surgery. Obtain 15-20 hours CME in ethics and 15-20 hours CME in billing. The CME hours shall be in addition to the hours required for the biennial renewal of medical license.
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Mr. Pete Fisher, legal counsel for Dr. Mora, was present. Ms. Boucek summarized that the proposed Consent Agreement adequately and affectively protects the interest of the public health and safety. Mr. Fisher reported that Dr. Mora has not practiced medicine for approximately three years. He stated that he felt the public is adequately protected by the proposed Agreement.

MOTION: Dr. Krishna moved to rescind referral to Formal Hearing and accept the proposed Consent Agreement for Stayed Revocation with a Practice Restriction. The physician shall undergo a substance abuse evaluation and comply with all recommendations of the treatment facility, including any recommendations for treatment and MAP participation. Dr. Mora shall undergo a PACE evaluation in hand surgery. Obtain 15-20 hours CME in ethics and 15-20 hours CME in billing. The CME hours shall be in addition to the hours required for the biennial renewal of medical license.

SECONDED: Ms. Proulx

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
12.	MD-08-0145A	ABRAHAM J. SAYEGH, M.D.	18816	Rescind referral to Formal Hearing and accept proposed consent agreement for Surrender of an active license. Dr. Sayegh shall be assessed Formal Hearing costs, not to exceed \$10,000.

Ms. Mamaluy summarized that the proposed Consent Agreement is a good resolution for the case and reminded the Board that Dr. Sayegh may reapply for licensure in five years.

MOTION: Dr. Martin moved to rescind referral to Formal Hearing and accept the proposed Consent Agreement for Surrender of an active license. Dr. Sayegh shall be assessed Formal Hearing costs, not to exceed \$10,000.

SECONDED: Ms. Ibáñez

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

FORMAL INTERVIEWS

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
1.	MD-07-1005A	HABIB U. KHAN, M.D.	27915	Issue an Advisory Letter for excessive delays in completion of patient evaluations. There is insufficient evidence to support disciplinary action.

Dr. Khan was present with legal counsel, Mr. Stephen W. Myers. Bhupendra Bhatheja, M.D, Medical Consultant, summarized that in the cases of patients MC and ML, Dr. Khan failed to execute a plan to evaluate neurovascular issues, failed to obtain an MRI earlier in the treatment for multiple radiculopathy, and failed to maintain adequate medical records. Dr. Khan stated that there was no sign of moderate to severe radiculopathy in MC. He said that she responded well to treatment and after fourteen months, her pain was gone. In the case of ML, Dr. Khan stated that his impression included ruling out another occurrence of an aneurysm and planned to obtain an angiogram and CT scan. He stated that after obtaining the CT scan results that were negative, the referring cardiologist assumed care for ML and rescheduled the angiogram. In closing, Mr. Myers stated that the angiogram was performed in a timely manner by the referring cardiologist and that Dr. Khan did not receive the results since he was not the ordering physician. He informed the Board that Dr. Khan's expert witness found that his care and treatment of MC was adequate. Dr. Goldfarb noted delays in the work up of the patients but found that there was no patient harm in the cases

MOTION: Dr. Goldfarb moved to issue an Advisory Letter for excessive delays in completion of patient evaluations. There is insufficient evidence to support disciplinary action.

SECONDED: Dr. Petelin

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Petelin, Ms. Proulx, and Dr. Schneider. The following Board member abstained: Dr. Pardo.

VOTE: 11-yay, 0-nay, 1-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	RESOLUTION
2.	MD-08-0229A	GREGORY GRANT, M.D.	28675	Issue an Advisory Letter for inadequate postoperative follow up. This was a one time occurrence that does not rise to the level of discipline.

Dr. Martin was recused from this case. Dr. Grant was present with legal counsel, Mr. Brian Murphy. Gerald Moczynski, M.D., Medical Consultant, summarized that Dr. Grant failed to adequately follow up a postoperative patient and failed to maintain adequate medical records. Dr. Grant stated that he assumed the patient was discharged to the nursing home, as she was not on his census for patient rounds the morning after surgery. He informed the Board that since this incident, a system has been implemented for patients that are discharged to a skilled nursing facility who need postoperative follow up. Dr. Grant admitted that he should have seen the patient prior to her discharge. Dr. Krishna opined that due to the surgical complication that required Dr. Grant to terminate the procedure early, he should have kept the patient hospitalized under his observation for at least twenty-four to forty-eight hours. Dr. Grant did not see the patient until one month postop, at which time her splint was considerably loose. Dr. Petelin expressed concern that Dr. Grant failed to document his intraoperative findings and his postoperative plans. Dr. Grant stated that he remembered writing the note, but it was misplaced, as the hospital was in the process of converting to an electronic medical record system. Dr. Krishna found that Dr. Grant did not commit unprofessional conduct and opined that Dr. Grant is a cognizant and that his care of the patient was appropriate, with the exception of his postoperative follow up.

MOTION: Dr. Krishna moved to issue an Advisory Letter for inadequate postoperative follow up. This was a one time occurrence that does not rise to the level of discipline.

SECONDED: Ms. Ibáñez

Dr. Petelin spoke in favor of the motion and questioned whether the issue of inadequate medical records should be included in the motion. Dr. Krishna found this to be an issue at that hospital as they were transitioning to electronic medical records. Drs. Lefkowitz, Mackstaller, and Schneider spoke against the motion and suggesting dismissing the case as Dr. Grant was forthcoming in his testimony and found the issues to be a systems error. Dr. Lee spoke in favor of the motion and opined that issuing an Advisory Letter is appropriate as there was a finding of patient harm in the case.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Pardo, and Dr. Petelin. The following Board members voted against the motion: Ms. Griffen, Dr. Lefkowitz, Dr. Mackstaller, Ms. Proulx, and Dr. Schneider. The following Board member was recused: Dr. Martin.

VOTE: 6-yay, 5-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

THURSDAY, FEBRUARY 5, 2009

CALL TO ORDER

The meeting was called to order at 8:30 a.m.

ROLL CALL

The following Board members were present: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

CALL TO THE PUBLIC

There was no one present to speak during the call to the public.

FORMAL INTERVIEWS

NO.	CASE NO.	PHYSICIAN	LIC.#	RESOLUTION
1.	MD-07-0882A	MICHAEL R. KRALIK, M.D.	31426	Issue an Advisory Letter for failing to provide and assure vascular coverage for a patient who was status post an abdominal aortic aneurism repair. There is insufficient evidence to support discipline.

Dr. Martin stated that he knows Dr. Kralik, but it would not affect his ability to adjudicate the case. Dr. Kralik was present with legal counsel, Mr. Stephen W. Myers. William Wolf, M.D., Chief Medical Consultant, summarized that Dr. Kralik failed to provide vascular coverage for a patient who was status post an abdominal aortic aneurism repair. Dr. Kralik stated that he had a coverage arrangement with a colleague that preceded this incident by a number of years. He said that he also has a relationship with seven other surgeons who would be willing to provide coverage for him. Board members noted that Dr. Kralik's colleague was interviewed by Board staff and denied receiving a request for coverage by Dr. Kralik for this patient. Dr. Petelin was concerned with Dr. Kralik's lack of effort to confirm his coverage prior to leaving town. In closing, Dr. Kralik stated that he did his best to telephonically contact the covering physician, but did not speak to him personally. Mr. Myers pointed out that the patient involved in this case was status "Do Not Resuscitate (DNR)." He informed the Board that Dr. Kralik has learned from this case and has taken remedial action by implementing changes in his practice. Dr. Wolf pointed out that although the patient was DNR, surgical intervention was still an option for the patient. Dr. Petelin found that Dr. Kralik failed to confirm his coverage and showed a lack of direct communication with the covering physician. Dr. Petelin did not believe that the matter warranted discipline.

MOTION: Dr. Petelin moved to issue an Advisory Letter for failing to provide and assure vascular coverage for a patient who was status post an abdominal aortic aneurism repair. There is insufficient evidence to support discipline.

SECONDED: Dr. Lee

Dr. Goldfarb spoke in favor of the motion and stated that issuing an Advisory Letter is appropriate.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider.

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

Dr. Lee stated he was concerned with the type of very non-collegial relationships that seemed to occur at this hospital. Ms. Wynn stated that she would determine an informal way to make the hospital administration or staff aware of the Board's concerns.

NO.	CASE NO.	PHYSICIAN	LIC.#	RESOLUTION
2.	MD-07-1029A	SHAM M. VENGURLEKAR, M.D.	20227	Issue an Advisory Letter for performing manipulation of a patient's hip with improper indications in an elderly patient with osteopenia, for failing to perform a proper examination, and for inadequate documentation. Advisory Letter to include 10-20 hours of Board approved non-disciplinary CME in arthrosis and 15-20 hours of medical recordkeeping, to be completed within six months. The CME is in addition to the hours required for the biennial renewal of medical license. This matter does not rise to the level of discipline.

Dr. Vengurlekar was present with legal counsel, Mr. Robert Milligan. Drs. Goldfarb, Lee, and Martin stated that they know Mr. Milligan, but it would not affect their ability to adjudicate the case. Dr. Moczynski summarized that Dr. Vengurlekar performed hip manipulation with improper indications in an arthritic, elderly patient with possible osteoporosis, and failed to maintain adequate medical records. Dr. Moczynski reported that the patient sustained a hip fracture that was identified following the procedure. Dr. Vengurlekar believed his manipulation of the hip was within the standard of care, as he did not cause any harm to the patient. Dr. Lee was concerned with Dr. Vengurlekar's failure to document a discussion with the patient regarding the hip manipulation and his failure to document the patient's range of motion prior to performing the procedure. Dr. Krishna noted that the patient had previously refused to be seen by an orthopedist. In closing, Mr. Milligan stated that if the patient suffered a hip fracture caused by the manipulation, pain would have been indicated during the course of the procedure or immediately thereafter. He stated that there is plenty of evidence in the Board's materials that indicates the fracture did not result from the procedure. Dr. Lee found that Dr. Vengurlekar performed a hip manipulation without proper indications and failed to maintain adequate records. Dr. Lee noted that the hip manipulation procedure may have significantly increased the likelihood of the fracture sustained by the patient.

MOTION: Dr. Lee moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(e)- Failing or refusing to maintain adequate records on a patient; and A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public.

SECONDED: Dr. Petelin

VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

Dr. Lee commented that Dr. Vengurlekar did not seem to understand that an elderly patient with possible osteoarthritis is not an indication for hip manipulation. Dr. Martin agreed and noted that Dr. Vengurlekar has no prior Board history. Drs. Krishna and Mackstaller recommended that Dr. Vengurlekar obtain CME in medical recordkeeping and treatment of arthritis.

MOTION: Dr. Lee moved to issue an Advisory Letter for performing manipulation of a patient's hip with improper indications in an elderly patient with osteopenia, for failing to perform a proper examination, and for inadequate documentation. Advisory Letter to include 10-20 hours of Board approved non-disciplinary CME in arthrosis and 15-20 hours of medical recordkeeping, to be completed within six months. The CME is in addition to the hours required for the biennial renewal of medical license. This matter does not rise to the level of discipline.

SECONDED: Dr. Mackstaller

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Griffen, Ms. Ibáñez, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider. The following Board members voted against the motion: Drs. Goldfarb and Krishna. The following Board member abstained: Dr. Martin.

VOTE: 9-yay, 2-nay, 1-abstain, 0-recuse, 0-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC.#	RESOLUTION
3.	MD-08-0250A	SYED Z. TAHIR, M.D.	19801	Draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

Dr. Krishna was recused from this case. Dr. Tahir was present with legal counsel, Mr. Stephen C. Yost. Dr. Petelin stated that he knows Dr. Tahir and Mr. Yost, but it would not affect his ability to adjudicate the case. Dr. Wolf summarized that Dr. Tahir performed an incorrect surgery and failed to properly prepare a patient for surgery in the cases involving patients LH and BB.

MOTION: Dr. Goldfarb moved to accept the Motion for Good Cause for submission of late material.

SECONDED: Dr. Schneider

VOTE: 11-yay, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

Dr. Tahir stated that he disagreed with the Board's findings. Dr. Tahir performed a laparoscopic appendectomy on LH and removed what he thought was the appendix; however, pathology reported that the specimen removed was not the patient's appendix. In the case of BB, Dr. Tahir performed a laparoscopic hernia repair and punctured BB's small bowel incidentally. The Board noted that Dr. Tahir was required to convert both procedures to an open surgery due to complications. Dr. Petelin was concerned with Dr. Tahir's failure to visualize what he thought was the appendix immediately after removal. Dr. Petelin noted that in the case of BB, the surgeon who saw her in the emergency room just days prior to her procedure with Dr. Tahir refused to operate on her due to her cirrhosis that placed her at high risk. In closing, Mr. Yost stated that the complaints came to the Board in violation of HIPAA laws from a competitor of Dr. Tahir. Mr. Yost stated that there was no departure from the standard of care and requested dismissal of the case.

MOTION: Dr. Petelin moved to enter into Executive Session to receive legal advice.

SECONDED: Dr. Pardo

VOTE: 11-yay, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

The Board entered Executive Session for legal advice at 1:17 p.m.

The Board returned to Open Session at 1:26 p.m.

No discussions or deliberations were made during Executive Session.

Dr. Petelin found that both cases involved actual harm identified as LH's requirement of a second surgery and the death of BB.

MOTION: Dr. Petelin moved for a finding of unprofessional conduct in violation of A.R.S. §32-1401(27)(q) - Any conduct that is or might be harmful or dangerous to the health of the patient or the public; and A.R.S. §32-1401(27)(II) - Conduct that the board determines is gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.

SECONDED: Dr. Lee

VOTE: 11-yay, 0-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

Dr. Petelin noted Dr. Tahir's prior Board history and found that discipline was warranted.

MOTION: Dr. Petelin moved for a draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand.

SECONDED: Dr. Lee

Dr. Pardo questioned whether Dr. Tahir should be issued a Letter of Reprimand or Decree of Censure as his prior Board history involved two recent Advisory Letters and a Letter of Reprimand issued in 2006. Dr. Petelin believed that issuing a Letter of Reprimand was the appropriate level of discipline for this case.

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Petelin, Ms. Proulx, and Dr. Schneider. The following Board member voted against the motion: Dr. Pardo. The following Board member was recused: Dr. Krishna.

VOTE: 10-yay, 1-nay, 0-abstain, 1-recuse, 0-absent.

MOTION PASSED.

OTHER BUSINESS

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
1.	MD-06-0056A	JACK I. DODGE, M.D.	15597	Approve proposed Board Order for Revocation and assess Formal Hearing costs.

MOTION: Dr. Schneider moved to approve the proposed Board Order for Revocation and assess Formal Hearing costs.

SECONDED: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider. The following Board member was absent: Dr. Lefkowitz.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
2.	MD-05-1133A	GARY W. HALL, M.D.	12977	Approve the proposed Board Order for an additional Ten Years Probation subject to the terms of the physician's current Probation set forth in his Consent Agreement and shall run consecutively. Dr. Hall is assessed a civil penalty of \$10,000.00, to be paid within 45 days of the effective date of this Order. Dr. Hall is assessed Formal Hearing costs.

MOTION: Dr. Krishna moved to approve the proposed Board Order for an additional Ten Years Probation subject to the terms of the physician's current Probation set forth in his Consent Agreement and shall run consecutively. Dr. Hall is assessed a civil penalty of \$10,000.00, to be paid within 45 days of the effective date of this Order. Dr. Hall is assessed Formal Hearing costs.

SECONDED: Dr. Lee

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider. The following Board member was absent: Dr. Lefkowitz.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
3.	MD-06-0622A MD-06-0780A MD-07-0009A MD-07-0255A	JAMES L. ROBROCK, M.D.	16209	Approve the proposed Board Order for Revocation.

MOTION: Dr. Lee moved to approve the proposed Board Order for Revocation.

SECONDED: Ms. Griffen

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider. The following Board member was absent: Dr. Lefkowitz.

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
4.	MD-07-0728A MD-07-0763A MD-07-0885A MD-07-0762A MD-07-0738A MD-07-0768A MD-07-0936A MD-07-0857A	DAVID L. GREENE, M.D.	32747	Approve the proposed Board Order for Revocation, as amended, and assess the costs of both Formal Hearings.

Chris Munns, Assistant Attorney General, informed the Board that statute requires that the Board provide justification when an ALJ's recommendation is rejected. He proposed that the Board use the following: *The ALJ's decision on rehearing is rejected in its entirety because the Board concludes that the serious nature of Respondent's misconduct demonstrates that he is unfit for licensure to practice.* Anne Froedge, Assistant Attorney General, requested clarification regarding whether opposing counsel should have the opportunity to review the change prior to the Board's vote. Mr. Munns stated that Mr. Giancola was noticed of the time that this matter would be considered and stated there is nothing that prohibits the Board from changing the Order.

MOTION: Dr. Krishna moved to approve the proposed Board Order for Revocation, as amended, and assess the costs of both Formal Hearings.

SECONDED: Ms. Proulx

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Lee, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Ms. Proulx, and Dr. Schneider. The following Board members voted against the motion: Drs. Krishna and Petelin. The following Board member was absent: Dr. Lefkowitz.

VOTE: 9-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

NO.	CASE NO.	PHYSICIAN	LIC. #	SUBJECT
5.	MD-07-0820A	MARK E. LAURSEN, M.D.	21941	Approve the proposed Board Order for Dismissal, as amended.

Mr. Munns recommended the Board remove the language in the Order pertaining to the licensee's right to appeal as that does not apply to a dismissed case. He proposed that the Board delete lines 1-11 from page 12.

MOTION: Dr. Martin moved to approve the proposed Board Order for Dismissal, as amended.

SECONDED: Dr. Krishna

ROLL CALL VOTE: Roll call vote was taken and the following Board members voted in favor of the motion: Dr. Goldfarb, Ms. Griffen, Ms. Ibáñez, Dr. Krishna, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Dr. Petelin, Ms. Proulx, and Dr. Schneider. The following Board member voted against the motion: Dr. Lee. The following Board member was absent: Dr. Lefkowitz.

VOTE: 10-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.



The meeting adjourned at 3:28 p.m.

Lisa Wynn, Executive Director